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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,640	09/18/2001	Judith F.M. Masthoff	PHGB 000125	7448

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EXAMINER

DINH, DUC Q

ART UNIT PAPER NUMBER

2674

DATE MAILED: 06/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,640

Applicant(s)

MASTHOFF ET AL.

Examiner

DUC Q DINH

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Castaneda (U. S. Patent No. 4,786,895).

In reference to claim 1, Castaneda discloses in Fig.1 a control panel having four switches for moving the cursor for the display 12 comprising an increment up button 22 (for inputting a first directional command, for example: depress up 5 times) and down increment button 24 (for input second directional command, for example: depress down 3 times which is less than the first value) to select a plurality of messages provide on the display 12.

In reference to claims 2-4, refer to the rejection of claim 1. In addition, Castaneda discloses to change the value of the operating parameter, the user than simply depresses either the increment-up button 22 to incrementally increase the parameter from its present value or the increment-down button 24 to incrementally decrease the parameter from its present value. The parameter may be changed slowly by using single strokes of the increment-up or down buttons, or may be changed more rapidly by continuously depressing the buttons. Similarly, the left and right scroll movement may be accomplished slowly by using single strokes of the left and right scroll buttons, or more rapidly by continuously depressing the buttons (col. 4, line 63 – col. 5 line 3).

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In reference to claim 5, the method inherently comprising the step of releasing the up/down (corresponding to the stop command which cause the parameter to retain its current values) button so that the on a parameter have been set to a desired value (col. 5, lines 16-20).

In reference to claim 6, refer to the rejection as applied to claim 2-4.

In reference to claims 8, Castaneda disclose the manual control switch 16 in Fig. 1.

In reference to claim 9, refer to the rejection as applied to claim 1.

3. Claims 7 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Gardiner (U. S. Patent No. 6,025,831).

In reference to claims 7, 10 and 16, Castaneda fails to disclose that the input means and the command are voice recognition device. Gardiner discloses a method and apparatus for control the input device including voice command device as claimed (col. 5, lines 39-44).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide Gardiner's the voice command device in the cursor control device taught by Smith for providing a hand-free input device as users' desires; for example: a pilot of an aircraft could use the voice command to select an icon on a computer screen while controlling the aircraft.

In reference to claims 11-15 and 17, refer to the rejection as applied to claims 2-8.

Response to Arguments

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DUC Q DINH** whose telephone number is **(703) 306-5412**. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

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(703) 872-9314 (for Technology Center 2600 only)

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, Va Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

DUC Q DINH
Examiner
Art Unit 2674

DQD
May 26, 2004


REGINA LIANG
PRIMARY EXAMINER